

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BLACKWELL PUBLISHING, INC., )  
ELSEVIER, INC., ELSEVIER B.V., )  
WALTER de GRUYTER GmbH & CO. KG, )  
MASSACHUSETTS MEDICAL SOCIETY, )  
WILEY-LISS, INC., and )  
WILEY PERIODICALS, INC., )  
Plaintiffs, ) CIVIL ACTION NO. 04-10050-NG  
v. )  
FEDERAL STATE OF )  
NORDRHEIN-WESTFALEN, GERMANY, )  
d/b/a ZBMED, )  
Defendant. )

**ASSENTED-TO MOTION  
TO CONTINUE STATUS CONFERENCE  
AND TO CONDUCT IT BY TELEPHONE**

The defendant, the Federal State of Nordrhein-Westfalen, Germany, doing business as ZBMed, the German National Library of Medicine, ("ZBMed") hereby moves to continue the status conference in this action to Friday, July 23, 2004, at 2:30 p.m., and further moves that the conference be conducted telephonically. **Plaintiffs' counsel has indicated that plaintiffs assent to this motion.**

As grounds for this motion, ZBMed states as follows:

1. The status conference in this action is currently scheduled to take place on Friday, July 9, 2004, at 10:00 a.m.

2. Lead counsel for the defendant ZBMed, David S. Korzenik, Esq., ("Lead Counsel") is located in New York, New York, with local co-counsel in Boston.

3. As was discussed with the Court's clerk on July 6, 2004, ZBMed's Lead Counsel suffered a broken foot in mid-June, requiring him to use crutches. As a result, Lead Counsel is unable to travel to Boston for the scheduled conference. In addition, ZBMed's local counsel was already scheduled to be out of town on July 9 (for an extended-weekend vacation to celebrate his wedding anniversary). Under the circumstances, plaintiff's counsel has agreed to postponement of the conference, and the clerk suggested the date of July 23, 2004, at 2:30 p.m.

4. Moving the conference date is also warranted because the clerk has advised that the Court intends to treat the Status Conference as a scheduling conference pursuant to Local Rule 16.1, thereby triggering conferral, settlement proposal, and joint statement obligations in advance of the conference. Because the parties had not been aware that the Status Conference was to be treated as a scheduling conference, they have not yet engaged in those activities. Rescheduling would permit the parties to take those actions prior to the conference date.

5. ZBMed, with the plaintiffs' assent, further moves that the conference on June 23, 2004 be conducted by telephone, both because of ZBMed's Lead Counsel's ambulatory difficulties in light of his recent injury, and because of the anticipated transportation difficulties to Boston on the eve of the Democratic National Convention.

WHEREFORE, defendant Federal State of Nordrhein-Westfalen, Germany, d/b/a ZBMed, respectfully requests that the Status Conference be rescheduled for Friday, July 23, 2004, at 2:30 p.m.

FEDERAL STATE OF NORDRHEIN-WESTFALEN, GERMANY, d/b/a ZBMED

By its attorneys,



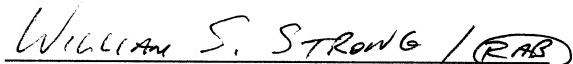
David S. Korzenik, New York DK1767  
MILLER AND KORZENIK, LLP  
488 Madison Avenue, 11th Floor  
New York, N.Y. 10022  
(212) 752-9200  
(212) 688-3996 (fax)  
(Admitted *pro hac vice*)

Robert A. Bertsche, BBO #554333  
PRINCE, LOBEL, GLOVSKY & TYE LLP  
585 Commercial St.  
Boston, MA 02109  
(617) 456-8018  
(617) 456-8100 (fax)

**Assented to by:**

BLACKWELL PUBLISHING, INC.,  
ELSEVIER, INC., ELSEVIER B.V.,  
WALTER de GRUYTER GmbH & CO. KG,  
MASSACHUSETTS MEDICAL SOCIETY,  
WILEY-LISS, INC., and  
WILEY PERIODICALS, INC.,

By their attorneys,



William S. Strong, BBO 483520  
KOTIN, CRABTREE & STRONG  
1 Bowdoin Square  
Boston, MA 02114  
(617) 227-7031  
(617) 367-2988 (fax)

July 8, 2004